



NCEL

National Caucus of
Environmental Legislators

President Joseph R. Biden
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden,

This year marks the 50th anniversary of the Endangered Species Act ("the Act"), one of the most successful conservation laws ever enacted by any nation. The Act has prevented the extinction of over [99% of wildlife and plant species](#) under its care including the bald eagle, humpback whale, gray wolf, California condor, and Tennessee purple coneflower. These successes are part of why surveys repeatedly show that [90%](#) of the American public is in support of the Act.

As our country commemorates the Act's 50th anniversary and its extraordinary achievements, an existential species crisis endangers all life on our planet. Globally, over [1 million species](#) face extinction including 41% of amphibians, 27% of mammals, and 13% of birds. In North America alone, over [3 billion birds](#) have disappeared since 1970, and [one-third of all species](#) in the United States are at risk of extinction. Species extinctions have cascading impacts, compromising our food systems through the loss of pollinating insects, our health and well-being through the loss of access to nature, and nature's ability to store carbon and clean our air and water through the loss of intact ecosystems.

At a time when we should be strengthening the Act to prevent this unprecedented pace and scale of species loss, there are efforts underway to undermine the Act's effectiveness. These include proposals to cut funding for species recovery, delist species, remove protections for currently listed species, and prevent agencies from restricting substances such as rodenticides and lead that are harmful to endangered species.

Now more than ever, a strong commitment of support for endangered species recovery is needed from all levels of government. **As state legislators, we recognize the key role states play in recovering endangered species. Strong state action can help prevent federal listings, provide additional resources to federally-listed species protection efforts, and promote regional and ecosystem-wide cooperation.** States are also particularly well-situated to address species loss, as they possess local knowledge and expertise to steward endangered plant and animal species within their borders.

However, states cannot and must not do this work alone. The federal Act remains imperative for supporting endangered species recovery. In order for states to continue their crucial role in protecting and recovering endangered species within their borders, we must have support and partnership from the federal government. To this end, we ask that your administration take the following actions:

- **Restore the Act's Regulations to their Pre-2019 Levels of Protection:** Ensure that the Act's regulations protect species as adequately as they did before 2019. This would include removing the "as a whole" language from Section 7 of the Act that allows for the destruction

of critical habitat as long as the total destruction of critical habitat is avoided. It would also include clarifying the unnecessary confusion that results from Section 7’s “environmental baseline” language, and reversing changes made to section 424.11(e) that allow plants and animals to be prematurely delisted.

- **Secure Permanent Funding for Species Recovery:** Advocate for greater endangered species funding in the annual Omnibus Spending Bill and forthcoming Farm Bill, and support the passage of Recovering America’s Wildlife Act with at least 15% of funds going to endangered species recovery. In addition, secure permanent and increased funding for federal programs that already support endangered species recovery such as the Cooperative Endangered Species Conservation Fund (CESCF).
- **Adopt a National Biodiversity Strategy and Biodiversity-Focused National Nature Assessment:** Be the first Administration in U.S. history to develop a National Biodiversity Strategy, as over [350 state legislators](#) called for in 2022, while supporting a biodiversity-focused [National Nature Assessment](#). We ask that both the Strategy and Assessment result in recommendations that are state-relevant and provide specific pathways for state action and involvement on endangered species recovery.
- **Adopt a Whole-Of-Government Approach to Species Recovery:** Encourage coordination between all levels of federal government on endangered species recovery, while also encouraging better coordination between federal, state, and Tribal governments. This includes encouraging all federal agencies to embrace their long-neglected requirement found in Section 7 to prioritize the conservation and recovery of endangered species.
- **Prioritize Tribal Consultation During Species Recovery:** Prioritize free, prior, and informed consent with Tribal governments when recovering endangered species while honoring federal trust obligations to Tribal communities. Incorporate indigenous knowledge and practices into species recovery efforts while safeguarding the rights and needs of Indigenous peoples.

Creating a coordinated strategy for endangered species recovery –supported by research, robust funding, and meaningful involvement from all levels of government– will give endangered species a fighting chance in the face of our impending biodiversity crisis. The Biden Administration is proving itself as a climate champion but stemming the biodiversity loss must go hand-in-hand with these efforts, as the climate and biodiversity crises are inherently intertwined. A liveable planet is not possible without the intact ecosystems and species that support all life.

Signed,

Alaska Representative Andy Josephson
(AK-013)

Arizona Senator Rosanna Gabaldon
(AZ-021)

Alaska Senator Scott Kawasaki
(AK-000P)

Arizona Representative Jennifer Longdon
(AZ-005)

Alaska Senator Löki Gale Tobin
(AK-000I)

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(AZ-008)

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(AZ-008)

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(HI-051)

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Hawaii Senator Karl Rhoads
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(MD-020)

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(NH-House Strafford 17)

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(NH-House Hillsborough 17)

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(NH-House Rockingham 10)

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Sullivan
(NH-House Sullivan 01)

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New Mexico Senator Liz Stefanics
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(NM-036)

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(NM-017)

New Mexico Senator Bill Tallman
(NM-018)

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New Mexico representative Dayan
Hochman-Vigil
(NM-015)

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(NM-046)

New Mexico Debbie Sarinana
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Gonzalez-Rojas
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(NY-067)

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New York Assemblymember Fred Thiele
(NY-001)

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(PA-175)

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(RI-007)

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(SC-041)

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(SD-010)

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(UT-013)

Utah Representative Joel Briscoe
(UT-041)

Utah Representative Rosemary Lesser
(UT-010)

Utah representative Angela Romero
(UT-025)

Utah Representative Mark Wheatley
(UT-035)

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(VA-047)

Virginia Delegate Paul Krizek
(VA-044)

Virginia Delegate Sam Rasoul
(VA-011)

Virginia Senator Scott Surovell
(VA-036)

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(VT-036)

Vermont Representative Mike Rice
(VT-012)

Vermont Representative Michelle Bos-Lun
(VT-092)

Vermont Representative Larry Satcowitz
(VT-063)

Vermont Representative Sara Coffey
(VT-090)

Vermont Representative Robin Scheu
(VT-001)

Vermont Representative Esme Cole
(VT-105)

Vermont Representative Amy Sheldon
(VT-001)

Vermont Representative Leonora Dodge
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Vermont Representative Dara Torre
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Vermont Representative Jill Krowinski
(VT-016)

Washington Senator Sam Hunt
(WA-022)

Vermont Representative Kate Lalley
(VT-023)

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(WI-095)

Vermont Representative Jim Masland
(VT-108)

Wisconsin Representative Alex Joers
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Vermont Representative Carole Ode
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Vermont Representative Avram Patt
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Wisconsin Representative Christine Sinicki
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(VT-011)

Wisconsin Representative Shelia Stubbs
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(VT-060)

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(WI-004)

Vermont Representative Barbara Rachelson
(VT-031)